

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

In re:	)	Chapter 7
	)	
RICHWOOD AREA COMMUNITY	)	Case Nos. 2:08-BK-20637
HOSPITAL, INC.,	)	
	)	
Debtor.	)	
_____	)	

**VERIFIED STATEMENT OF THE BANK OF NEW YORK MELLON TRUST  
COMPANY, N.A., AS BOND TRUSTEE PURSUANT TO BANKRUPTCY RULE 2019**

The Bank of New York Mellon Trust Company, N.A., in its capacity as bond trustee for certain bonds referenced herein, makes the following statement pursuant to Rule 2019(a) of the Federal Rules of Bankruptcy Procedure (the “Statement”).

1. The Bond Documents.

The Bank of New York Mellon Trust Company, N.A. (the “Bond Trustee”) is the successor trustee under that certain Trust Indenture (the “Indenture”) dated as of August 1, 1999 between Nicholas County, West Virginia (the “County”) and Bank One, West Virginia, National Association, pursuant to which the County issued Series A and B Hospital Revenue Bonds (Richwood Area Community Hospital, Inc. Project) (the “Bonds”).

In accordance with the Indenture and that certain Loan Agreement dated as of August 1, 1999 between the County and Richwood Area Community Hospital, Inc. (“RACH”), the proceeds from the issuance of the Bonds were loaned to RACH.

Pursuant to a Credit Line Deed of Trust and Security Agreement dated August 30, 1999 (the “Deed of Trust”) and certain other related bond documents, the Bond Trustee holds first-

priority security interests and liens upon the real property owned by RACH in Nicholas County, West Virginia (the “Real Property”) and substantially all of the personal property of RACH (the “Personal Property” together with the Real Property collectively, the “Collateral”). The Deed of Trust, Indenture, Loan Agreement, and other related documents are referred to herein as the “Bond Documents.” The Bond Documents are voluminous, and accordingly, have not been attached to this Statement. Copies of the Bond Documents are available upon request to the Bond Trustee.

2. Names and Addresses of Creditors Represented by Bond Trustee

The names and addresses of the holders of the Bonds (the “Holders”) are maintained by the Bond Trustee in accordance with the provisions of the Bond Documents. The names and addresses of the Holders may be furnished to any party in interest who is entitled to receive such information under the terms of the Bond Documents and/or applicable law. The identities of the Holders may change from time to time during these proceedings due to transfers of the Bonds.

3. Nature and Amount of the Claims and Time of Acquisition

Except as set forth below, the Bond Trustee holds no claims in its individual capacity. The Bond Trustee asserts claims on behalf of the Holders pursuant to the applicable Bond Documents.

The Holders acquired their claims upon their respective purchases of the Bonds. The Bonds originally were issued and/or reissued on or about the date of the Indenture. On information and belief, many of the Holders may have purchased their Bonds in the secondary market on subsequent dates.

The nature and amount of the claims of the Holders and the Bond Trustee are as follows:<sup>1</sup>

Series A:

*Principal Amount:* The current outstanding principal amount due on the Series A Bonds is \$1,400,000.

*Accrued and Unpaid Interest:* The accrued and unpaid interest due on the Series A Bonds as of July 1, 2008 is \$326,666.67, plus interest that continues to accrue.

Series B:

*Principal Amount:* The current outstanding principal amount due on the Series B Bonds is \$355,000.

*Accrued and Unpaid Interest:* The accrued and unpaid interest due on the Series B Bonds as of July 1, 2008 is \$103,541.67, plus interest that continues to accrue.

TOTAL:

Principal Amount:	\$1,755,000.00
Accrued and Unpaid Interest:	\$430,208.34
<b>Total:</b>	<b>\$2,185,208.34*</b>

\*Plus additional interest that continues to accrue, plus fees and expenses, including all amounts due and becoming due to the Bond Trustee for services rendered under the Bond Documents and reimbursement of all advances, counsel fees, and other expenses made or incurred by the Bond Trustee in connection with such services, for indemnification, and for all other amounts due or becoming due to the Bond Trustee under the Bond Documents.

4. Pertinent Facts in Connection with the Employment of the Bond Trustee

The Bank of New York Mellon Trust Company, N.A. serves as Bond Trustee in connection with the Bonds pursuant to the terms of the applicable Bond Documents. Bank of

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<sup>1</sup> Any claim set forth herein for the aggregate principal amount and interest on the Bonds arises pursuant to the respective Bonds and the Bond Documents. The Bond Trustee has incurred expenses and continues to incur expenses, which amounts remain unpaid and are part of the Bond Trustee's claim.

New York Mellon Trust Company, N.A. became the successor bond trustee for the Bonds on or about October 1, 2006.

5. Reservation of Rights.

The Bond Trustee reserves the right to amend and/or supplement this Statement as circumstances may warrant. Moreover, nothing in this Statement should be deemed a waiver of any claims asserted by The Bank of New York Mellon Trust Company, N.A. or its predecessors-in-interest in connection with the above-referenced Bond Documents.

Dated: November 6, 2008

Respectfully submitted,

**THE BANK OF NEW YORK MELLON TRUST  
COMPANY, N.A., in its capacity as Bond Trustee,**

/s/ Ellen S. Cappellanti

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-and-

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*Counsel to the Bond Trustee*

DECLARATION

I, Bridget M. Schessler, declare under penalty of perjury that the foregoing facts set forth in this Bankruptcy Rule 2019 Statement regarding the Bond Trustee are true and correct to the best of my knowledge, information, and belief.



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Bridget M. Schessler  
Vice President  
The Bank of New York Mellon Trust Company, N.A.  
525 William Penn Place, 7<sup>th</sup> Floor  
Pittsburgh, PA 15259

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HOSPITAL, INC.,	)	
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Debtor.	)	

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**CERTIFICATE OF SERVICE**

I, Ellen S. Cappellanti, hereby certify, under penalty of perjury, that a true and correct copy of the **VERIFIED STATEMENT OF THE BANK OF NEW YORK MELLON TRUST COMPANY PURSUANT TO BANKRUPTCY RULE 2019** was caused to be served on each of the parties and at the address set forth below, either as an e-mail with a PDF attachment, where noted, or via United States Mail, postage prepaid, on the 6<sup>th</sup> day of November, 2008.

**Served Via E-Mail:**

- |                      |   |
|----------------------|---|
| • Thomas H. Fluharty | thfaal@wvdsi.net; wv12@ecfcbis.com          |
| • Steven L. Thomas   | s.thomas@kaycasto.com; jmartin@kaycasto.com |
| • U. S. Trustee      | ustpreion04.ct.ecf@usdoj.gov                |

**Served Via U.S. Mail:**

Richwood Area Community Hospital  
75 Avenue B.  
Richwood, WV 26261

/s/ Ellen S. Cappellanti  
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